

FIFTY-SEVENTH DAY.

Senate Chamber,
Austin, Texas,
April 10, 1933.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Prayer by Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix)

Committee Reports.

(See Appendix)

Bills and Resolutions.

By unanimous consent, the rule relating to the introduction of general bills after the first 52 days of the session, was suspended and consent was granted to introduce the following bills:

By Senator Fellbaum:

S. B. No. 509, A bill to be entitled "An Act amending subdivision 37 of Article 199 of the Revised Civil Statutes of the State of Texas, providing for changes in the times for terms of court in the thirty-seventh, forty-fifth, fifty-seventh and seventy-third judicial districts of Texas, providing for vacations for the judges thereof, providing necessary provisions with reference to processes,

writs and petit jurors made necessary by the changes made by this Act and validating and legalizing the same, providing that the terms of court in the ninety-fourth judicial district of Texas shall remain as now fixed by law until January 1, 1935, and declaring an emergency."

Read and referred to Committee on Judicial Districts.

By Senator Fellbaum:

S. B. No. 510, A bill to be entitled "An Act to amend Chapter 6 of Title 42 of the Revised Civil Statutes of the State of Texas, which said chapter relates to rules of practice and procedure in certain district courts, by changing the first of definitive paragraph of said chapter, said paragraph being the paragraph of Article 2092 which immediately precedes Section 1 of said Article 2092, so as to make said chapter and all of its terms applicable also to counties having four or more district courts and lying west of the 98th meridian of longitude in addition to counties to which said chapter and its terms are now applicable and declaring an emergency."

Read and referred to Committee on Judicial Districts.

By Senators Moore and Rawlings:

S. B. No. 511, A bill to be entitled "An Act to amend Article 7064, of the Revised Civil Statutes of the State of Texas, 1925, by adding thereto the following amendment, to-wit: Providing that mutual health and accident insurance companies be exempt from the provisions of this law; and declaring an emergency."

Read and referred to Committee on Insurance.

S. C. R. No. 40.

Senator Oneal sent up the following resolution:

Whereas, Prior to the year 1932 every State in the Union and the District of Columbia had imposed a tax upon gasoline with the rates running from two cents a gallon to seven cents a gallon for state purposes; and,

Whereas, In addition thereto the counties in some states and also cities have imposed additional taxes upon gasoline, making the gasoline tax for state and county purposes in some counties as high as nine cents a gallon; and,

Whereas, This tax upon gasoline is a burden upon the industries and commercial life of practically every state, and any additional tax to that already levied by the states and the counties and cities thereof prior to 1932 became an additional burden to the users of gasoline and to the oil and gasoline industry; and,

Whereas, On June 21, 1932, the Federal government entered the field of gasoline taxation by imposing a one cent a gallon tax upon gasoline sold by producers and importers as an emergency measure to run to June 30, 1933; and,

Whereas, The Congress indicates that said emergency measure will be further extended to June 1, 1934; now, therefore be it

Resolved, By the Senate of Texas, the House concurring, that it is the opinion of the Legislature of the State of Texas that the Federal government should withdraw from the field of gasoline taxation, and that the Legislature of the State of Texas respectfully requests of the Federal government, either at the end of the present emergency Act levying a federal tax on gasoline, or by June 4, 1934, that it abandon this field of taxation and leave the same entirely to the states and their subdivisions; and, be it further

Resolved, That the Secretary of the Senate be instructed, upon the final passage of this resolution, to send a duly authenticated copy of the same to each member of Congress from the State of Texas, and to the Secretary of the Interstate Commission on Conflicting Taxation.

ONEAL.

Read and referred to Committee on State Affairs.

S. B. No. 505 Ordered Printed.

On motion of Senator Purl, S. B. No. 505 was ordered printed in the Journal.

(See Appendix to today's Journal.)

Special Committee Report.

Senator Woodruff sent up the following special committee report:

To the Forty-third Legislature of the State of Texas.

Gentlemen: Complying with the provisions thereof, the Committee created by H. C. R. No. 58 passed by the Forty-second Legislature of the State of Texas, submits herewith

its final report. We have issued and had delivered to you from time to time Parts I to XIII inclusive, all of which are in print, of the report of the staff employed by the Committee, entitled "The Government of the State of Texas."

The Committee organized by electing Representative Harry N. Graves as chairman and Representative Phil L. Sanders as secretary; at a subsequent meeting Representative Sanders was elected vice-chairman.

The Committee proceeded very slowly in the beginning. The first few formal meetings, as well as many informal meetings were devoted to a full discussion and to a study of the work, the Committee as a whole and individually, appreciating more and more fully, from time to time the importance of a comprehensive study of the various functions of the government, and the volume of work necessary to make such a study. Many consultations were held and many interested parties discussed the matter with the members of the Committee, among them Dr. Frank Mann Stewart of the Department of Government of the University of Texas was consulted frequently and rendered the Committee very valuable assistance; Dr. S. B. McAlister of the Department of Government of The North Texas State Teachers College; Mr. Moore Lynn, State Auditor; Mr. Claude Teer, Chairman of the Board of Control; Mr. J. D. Hall, Budget Officer of the Board of Control; members of the Forty-second Legislature, and many others.

After due deliberation the Committee considered it advisable to secure the services, if possible, of some agency who was not in any way subject to political, institutional, sectional, or other local or State influences. After a full investigation of the concerns known to the Committee to be engaged in such work in the United States, a contract was entered into with Griffenhagen and Associates to make a survey and recommendations.

The Laura Spelman Fund is interested in such work, and we succeeded in interesting them in the work to be done in Texas, entering into an agreement with them whereby they agreed to expend not to exceed \$22,500.00 for the purpose of carrying on the work as planned by

the Committee in Texas, subject to the provision that the Committee would match the expenditure of the Laura Spelman Fund dollar for dollar.

Some time after the creation of the Committee, the House of Representatives and the Senate of the Forty-second Legislature, each, passed a simple resolution instructing the Committee to investigate certain alleged irregularities in the operation of the Texas Cotton Cooperative Association. In due time, a meeting of the Committee was held for the purpose of taking up the work proposed by these simple resolutions. There were present, in addition to the members of the Committee, several members of the House of Representatives, Mr. Bullard, attorney for the Texas Cotton Cooperative Association, and Mr. Homer D. Waide of the Texas Cotton Cooperative Association. A general discussion was had on the matter, and the attorney, Mr. Bullard, Mr. Waide, and several members of the House questioned the authority of the Committee to carry on such an investigation. It was finally decided that the chairman and secretary of the Committee be instructed to request the Attorney General to give an opinion as to whether or not the Committee was authorized to conduct the investigation under the resolutions as passed. The Attorney General's Department advised that there was some doubt as to the authorization of the Committee. Upon receipt of this opinion from the Attorney General's Department, the Committee took no further action in the matter.

The State Auditor, Mr. Moore Lynn, called the attention of the Committee to certain matters in the Insurance Department that in his opinion should be investigated. He also consulted with the Committee as to the advisability of the Committee entering into an investigation of the purchasing for the Highway Department, as between the policies of the Highway Department and the State Board of Control. In due time a hearing before the Committee was held at which appeared Mr. Moore Lynn, State Auditor, Mr. White of the State Auditor's Department, and the matter referred to in connection with the Insurance Department by the State Auditor was gone into. The chair-

man of the Insurance Commission appeared before the Committee, made a statement and rendered such assistance as he could in the matter. After a thorough hearing and consultation with the State Auditor and the chairman of the Insurance Commission, the matter was handled by the Insurance Commission and thus disposed of.

With reference to the matter of purchasing by the Highway Department, the State Auditor addressed the chairman of this Committee by letter at length and in detail. The Committee finally decided that in view of the volume of work then confronting it, that it could not handle the matter to its satisfaction. The Committee is advised that the matter has been presented by the State Auditor to the Forty-third Legislature for such action as may be deemed proper.

This Committee was also called upon from time to time to sit with the Senate Fee Investigating Committee on matters that related to our work, as well as many other matters that were brought to this Committee's attention which might have value in determining much of the different reports we have made to you.

While our thirteen volumes of reports handed to you may contain some mistakes and minor inaccuracies, yet in the main the facts stated therein are true and accurate, and are substantiated by the written reports of those charged therewith. A large portion of the information gathered therein comes from the answers to very exhaustive questionnaires, made out and returned by practically every major employee of the State, presenting much interesting information, all of which have been preserved, and can be used for the information of the Legislature.

It is also interesting to note that some of the recommendations made by our Committee and its staff have already been carried out in needed and recognized reforms and betterments in advance of such suggestions appearing in the printed reports.

We urgently request each member of this Legislature to preserve and study these volumes of reports that have been laid upon your desk; they are already being requested from practically every State in the Union, and from many individuals, as well

as libraries in this State; and as the supply is limited, we will soon be unable to furnish further copies thereof.

The chairman of this Committee feels impelled to here offer his thanks to, and to express his appreciation for, the wonderful cooperation afforded him by his fellow members, who have worked so diligently, tirelessly, and faithfully in an endeavor to make this work a comprehensive, successful effort to carry out to the letter and spirit the resolution creating such Committee, and he indulges the belief that some intelligent and salutary relief will come at an early date in an efficient reorganization of the various disintegrated units of our government, that will not only result in a saving of some of our extravagantly wasted funds, but also that with the help of our survey staff, and their excellent work, we have pointed out the way that our State may obtain a better, a larger, and a fairer return for each dollar spent of the taxpayers' money.

With such a purpose in view, and high hopes of such a result, we have prepared bills carrying out the major suggestions running throughout all these reports, which bills we commend to your careful attention, indulging the belief that our State would benefit greatly should such suggested measures be enacted into statutes.

In presenting the printed reports, Parts I to XIII inclusive, to you, a sincere effort has been made to present the facts as determined by the data submitted, and by such investigation as the limited time permitted, with a determination on the part of the Committee to in no wise influence those engaged in the work of assembling the data and arriving at conclusions, to the end that in the final analysis such reports could be made as nearly as possible free from any influences whatsoever, other than from the standpoint of reorganizing the State government to such an extent as to permit of more efficient operation of its various functions. The members of the Committee, as individuals, do not in all of its details concur in the conclusions arrived at by the staff, as shown by the printed reports referred to above, but realize that the conclusions and

recommendations are worthy of serious consideration at the hands of the Legislature and the people of Texas, and we are convinced, after careful study and due deliberation, that the adoption of the recommendations will bring about a more efficient and economical administration of the affairs of the State government.

The Committee acknowledges and appreciates the splendid support afforded it in a financial way and otherwise by the Laura Spelman Fund, and the courtesy extended to the Committee by the secretary of the Fund, Mr. Guy Moffett.

The Committee expresses its grateful appreciation of the assistance rendered to it by Dr. Frank Mann Stewart, Dr. S. B. McAlister, Mr. Moore Lynn, Mr. Claude Teer, Mr. J. D. Hall, many of the members of the Forty-second and Forty-third Legislatures, and many other citizens of Texas, both in public and in private life.

The Committee desires to express to Messrs. Griffenhagen and Associates, and their entire staff, its appreciation of the services they have rendered. We have at all times found them zealous and ready to perform any and all demands made of them, without fear or favor.

Finally, we submit the entire report in all of its details to you, the Forty-third Legislature, for your consideration, with the request that you study it and, based upon the facts contained therein, give it such consideration as it may deserve, based upon its merits, and its merits alone, and not upon the personnel of the Committee or anyone connected with the staff, to the end that the desire of the people of Texas for tax relief and for improvement in the service that their government renders to them may be fully realized.

Respectfully submitted,

H. N. GRAVES, Chairman,
PHIL L. SANDERS, Secty.
J. TURNEY TERRELL,
On the Part of the House.

GRADY WOODRUFF,
CARL C. HARDIN,
On the Part of the Senate.

Financial Statement.

Traveling and other expenses of Committee members\$ 2,670.34

Fees and compensation of staff	64,240.84
Witness fees	139.08
Express	2.77
General repairs	1.00
Rents, equipment, etc.	250.24
Telephone and telegraph	127.70
Traveling expenses of staff	1,082.93
Postage	546.18
Printing	7,267.72
Office supplies	439.75
Office equipment	19.07

Total \$76,787.62

The above statement covers the expenditures of the Committee with the exception of a few small outstanding bills and some adjustments of differences in accounts. It includes the \$22,500 furnished by the Laura Spelman Foundation.

On motion of Senator Woodruff, the report was ordered printed in the Journal.

Bills Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

H. B. No. 376.	S. B. No. 95.
S. B. No. 78.	S. B. No. 12.
S. B. No. 428.	H. B. No. 271.
S. B. No. 113.	H. C. R. No. 34.
S. B. No. 52.	H. C. R. No. 58.

House Bill No. 167.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Harman:

H. B. No. 167, A bill to be entitled "An Act making appropriations for the support and maintenance of the State government for the two-year period, beginning September 1, 1933, and ending August 31, 1935, and for the purposes, and prescribing certain regulations and restrictions in respect thereto, and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The committee amendments (substituting S. B. No. 96) were adopted.

Senator DeBerry asked to be recorded as voting "No."

The bill was read second time and passed to third reading.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 167 was put on its third reading and final passage by the following vote:

Yeas—31.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Pace.
Blackert.	Parr.
Cousins.	Patton.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Nays—3.

Collie.	Poage.
DeBerry.	

Senate Bill No. 505.

The Chair laid before the Senate on its second reading by unanimous consent the following bill:

By Senator Hopkins:

S. B. No. 505, A bill to be entitled "An Act authorizing the Banking Commission of Texas, as statutory receiver or liquidator, when any State bank or bank and trust company organized under the laws of the State of Texas voluntarily places

itself in his hands for liquidation, or when he closes a State bank or bank and trust company and takes charge of same for the purpose of liquidating it, to borrow money from the Reconstruction Finance Corporation as created by Act of Congress of the United States, and to pledge any part or all of the assets of such closed bank or bank and trust company as collateral security for said loan, and to execute all instruments required or necessary in connection with the creation of such indebtedness and the security for the same, and to authorize the Commissioner of Banking of Texas, as statutory receiver or liquidator, to renew and extend such loan or loans from time to time, and to execute all instruments in connection with the renewals or extensions of such loan or loans; and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Hopkins, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 505 was put on its third reading and final passage by the following vote:

Yeas—31.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Read third time and finally passed by the following vote:

Yeas—31.

Beck.	DeBerry.
Blackert.	Duggan.
Collie.	Fellbaum.
Cousins.	Greer.

Holbrook.	Purl.
Hopkins.	Rawlings.
Hornsby.	Redditt.
Martin.	Regan.
Moore.	Russek.
Murphy.	Sanderford.
Neal.	Small.
Oneal.	Stone.
Pace.	Woodruff.
Parr.	Woodul.
Patton.	Woodward.
Poage.	

Motion to Take Up S. B. No. 179.

Senator Cousins asked unanimous consent to suspend the regular order and take up S. B. No. 179.

Objection was heard.

Senator Cousins moved to suspend the regular order and take up S. B. No. 179. The motion was lost by the following vote:

Yeas—13.

Blackert.	Neal.
Cousins.	Pace.
Duggan.	Poage.
Fellbaum.	Redditt.
Holbrook.	Sanderford.
Hopkins.	Woodul.
Moore.	

Nays—13.

Collie.	Parr.
DeBerry.	Purl.
Greer.	Russek.
Hornsby.	Small.
Martin.	Woodruff.
Murphy.	Woodward.
Oneal.	

Absent.

Beck.	Regan.
Patton.	Stone.
Rawlings.	

Senate Bill No. 300.

The Chair laid before the Senate on its second reading by unanimous consent the following bill:

By Senators DeBerry, Poage and Small:

S. B. No. 300, A bill to be entitled "An Act to amend Sections 7 and 8 of Chapter 13, Acts of the Third Called Session of the Forty-second Legislature; making an appropriation of moneys deposited to the credit of the County and Road District Highway Fund up to September 1, 1935, for application on the payment of principal, interest and sink-

ing fund on eligible obligations of the county and road districts of the State maturing from September 1, 1933, to September 1, 1935, making appropriation to defray the expenses incident to the administration of said Act; providing for the payment of all sinking funds on eligible issues into the State Treasury, providing for the investment of such funds and purchase of bonds by the Board of County and Road District Indebtedness; and declaring an emergency."

The committee substitute was adopted.

Read second time.

Senator Moore sent up the following amendment:

Amend S. B. No. 300 by adding a new paragraph at the end of Section 7, as follows:

(m) It is distinctly understood and provided herein that the said board herein provided for shall reject the claim of any and all claimants who are represented before said board by paid or hired counsel except county officials in their official capacity who may be permitted to receive their actual expense from their county, and it shall be the duty of the board to determine the interest of all parties appearing before said board in behalf of any claimant or claimants at interest.

MOORE.

The amendment was read.

Senator Pace moved to table the amendment. The motion prevailed by the following vote:

Yeas—26.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Rawlings.
Duggan.	Redditt.
Fellbaum.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Nays—4.

DeBerry.	Poage.
Moore.	Purl.
	Absent.
Greer.	

Senator Oneal sent up the following amendment:

Amend C. S. B. No. 300 by striking out of lines 14 and 15, of page 10 of the printed bill the following:

"except to the extent that the county is liable for that particular year."

ONEAL.

The amendment was read.

Messages From the House.

Hall of the House of Representatives,
Austin, Texas, April 10, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate amendments to H. C. R. No. 34 by a viva voce vote.

That the House has passed the following bills:

H. B. No. 109, A bill to be entitled "An Act amending Article 6881 of Title 120, Chapter 5, of the Revised Civil Statutes of the State of Texas, 1925, correcting the laws applying to bonds executed by constable, and declaring an emergency."

H. B. No. 498, A bill to be entitled "An Act to prohibit the hunting, trapping, ensnaring, or killing of any wild deer, buck, doe, fawn, or pheasant within the limits of the Counties of Montague, Clay, Archer, Wise, Jack, and Young, State of Texas, for a period of five (5) years from and after the passage of this Act; providing a penalty therefor; and declaring an emergency."

H. B. No. 514, A bill to be entitled "An Act to fix an open season, or period of time for hunting, taking, or killing wild mourning doves, wild quail of all kinds, and wild Mexican pheasants in Washington County; making it unlawful to hunt, take, or kill same at any other time of the year; fixing a penalty for violation of the provisions of the Act; repealing all laws or parts of laws in conflict with this Act; and declaring an emergency."

H. B. No. 709, A bill to be entitled "An Act authorizing the board of directors of any water improvement district, or water control and improvement district within the State to remit, in whole, or in part, the penalties and interest on all ad valorem taxes levied by such districts that are now delinquent and/or past due and

unpaid, and which are paid on or before December 31, 1933, and declaring an emergency."

H. B. No. 775, A bill to be entitled "An Act to amend Article 199, Title 8, of the Revised Civil Statutes of 1925, Subdivision 47, as amended by Chapter 7, Acts of the Fortieth Legislature, 1927, by amending Sections 4, 5, and 6 of Chapter 7, Acts of the Fortieth Legislature, page 10, and providing for the restoration of jurisdiction of civil business to the District Court of the Forty-seventh Judicial District, in Potter County, providing for the perpetuation of said Forty-seventh District Court, and clothing said district court with general jurisdiction of district courts in all of the counties comprising said judicial district; providing for the continuance in office of the judge of the One Hundred and Eighth District Court, and the judge and district attorney of said Forty-seventh District Court, during the term for which elected; providing for a clerk and court reporter to handle civil business in said court, in Potter County; for transfer of civil business by the respective judges of said courts: to continue in effect writs, process, bonds, recognizances, orders, decrees, and judgments; fixing the time of taking effect of this Act; repealing laws in conflict therewith; and declaring an emergency."

H. B. No. 790, A bill to be entitled "An Act to prohibit the hunting, taking, or killing of wild foxes, or having in possession the pelts thereof in Upshur County; providing a penalty; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 825, A bill to be entitled "An Act to amend Chapter 2 of Title 116 of the Revised Civil Statutes of Texas, 1925, by adding to said chapter a new article to be known as 'Article 6711-a,' providing that upon application of ten or more resident citizens of the Counties of Polk, Trinity, Angelina, or Tyler, or one person living within an enclosure of two thousand (2,000) acres or more in said counties, the commissioners court of said county shall open a road through said enclosure of land, or between different persons or owners of land, or along any section line, or along any survey line, or along any survey subdivision line, where said land is adjacent or con-

tiguous to public rivers, lakes, or bays in the Counties of Polk, Trinity, Angelina, or Tyler; providing for notice and hearing on said application; providing for damages to landowners where roads are opened; providing that the commissioners court shall not be required to keep such roads worked; providing that this Act shall only apply where there is a space of at least five (5) miles along any navigable river, lake, or bay with no present road or public thoroughfare; providing for laying out of right of way of the width of sixty (60) feet running parallel to the out bank of any navigable stream in these aforementioned counties; declaring a public necessity for certain roads provided for herein, etc., and declaring an emergency."

H. B. No. 827, A bill to be entitled "An Act designating fur-bearing animals, declaring them the property of the State, declaring a five-year closed season on wild fox in certain counties; providing a penalty for violation of this Act, and declaring an emergency."

H. B. No. 840, A bill to be entitled "An Act validating and legalizing the authorization of bonds issued by or on behalf of any county, city, district, or political subdivision of this State, for the construction of seawalls; validating the levy and assessment of ad valorem taxes in payment thereof; validating the manner of holding the election, canvassing the returns, and declaring the result of such election; and declaring an emergency."

H. B. No. 841, A bill to be entitled "An Act designating fur-bearing animals, declaring them the property of the State, declaring a five-year closed season on wild fox in Henderson County; and providing a penalty for violation of this Act."

H. B. No. 852, A bill to be entitled "An Act providing for the jurisdiction of the County Court of Gillespie County, conferring upon said court civil and criminal jurisdiction, and increasing the criminal and civil jurisdiction of said court; conforming the jurisdiction of the district court of said county to such change; fixing the time of holding court, and to repeal all laws in conflict with this Act, and declaring an emergency."

H. B. No. 854, A bill to be entitled "An Act providing for an open season or period of time when it shall

be unlawful to take or kill wild quail in certain counties; providing penalties for the violation thereof; repealing all laws and parts of laws in conflict therewith; and declaring an emergency."

H. B. No. 875, A bill to be entitled "An Act to be known as Articles 1656-a and 1656-b, applying to counties having a population of 350,000 or more, according to the last preceding or any future Federal census, prescribing the authority of the county auditor with reference to the system, forms, and reports to be used in connection with the receipt and disbursement of all county revenues, funds, fees, and monies received and disbursed by county and precinct officers belonging to the county, its subdivisions, and precincts, including monies collected and disbursed by, or on hand with, such officers for the benefit of individuals, firms, or corporations; prescribing the time, mode, and manner of making monthly, annual, or other reports to the auditor; authorizing the auditor to verify the cash on hand in support of all official reports of such officers relating to such receipts, disbursements, and balances; requiring the approval of the judge of the court in which such funds were deposited on all disbursements of such trust funds and requiring the counter signature of the county auditor on all checks issued, etc., and declaring an emergency."

S. B. No. 96, A bill to be entitled "An Act making appropriations for the support and maintenance of the State government for the two year period beginning September 1, 1933, and ending August 31, 1935, and for other purposes; and prescribing certain regulations and restrictions in respect thereto; and declaring an emergency."

(With amendments.)

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, April 10, 1933.

Hon Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate amendments to House Bill No. 167 and requests the appointment of a conference committee to adjust the

differences between the two Houses. The following are appointed on the part of the House:

Harman, Coombes, Good, McGregor and Kayton.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives

House Bills Referred.

H. B. No. 109 referred to Committee on Civil Jurisprudence.

H. B. No. 498 referred to Committee on Game and Fish.

H. B. No. 514 referred to Committee on Game and Fish.

H. B. No. 709 referred to Committee on State Affairs.

H. B. No. 775 referred to Committee on Judicial Districts.

H. B. No. 790 referred to Committee on Game and Fish.

H. B. No. 825 referred to Committee on State Highways and Motor Traffic.

H. B. No. 827 referred to Committee on Game and Fish.

H. B. No. 840 referred to Committee on Game and Fish.

H. B. No. 841 referred to Committee on Game and Fish.

H. B. No. 852 referred to Committee on Civil Jurisprudence.

H. B. No. 854 referred to Committee on Game and Fish.

H. B. No. 875 referred to Committee on Civil Jurisprudence.

Free Conference Granted.

On motion of Senator Holbrook, the Senate voted to grant the request of the House for a free conference committee on H. B. No. 167.

Invitation Extended.

Senator Hornsby sent up the following invitation:

Texas School For The Blind
Austin, Texas, April 10, 1933.

To the Members of the Forty-third Legislature.

You, your family, and your friends are cordially invited to attend a program which is to be given at the Texas School for the Blind Wednesday evening, April 12, at 8:15. Since there are many new members who have not seen an exhibition of our school work we re-

spectfully urge that you honor us with your presence on this occasion.

For those who do not have means of transportation, the Austin Chamber of Commerce will have cars for your convenience at the south entrance of the capitol at 7:45. For the benefit of those who will come in their own cars, the school is located on Highway No. 29 just north of the Austin State Hospital.

Respectfully yours,
W. E. ALLEN,

Superintendent, Texas School for the Blind.

The invitation was read.

On motion of Senator Hornsby, the invitation was accepted.

Free Conference Report.

Senator Woodward sent up the following free conference committee report:

Committee Room,
Austin, Texas, April 8, 1933.
Hon. Edgar E. Witt, President of the Senate.

Hon. Coke R. Stevenson, Speaker of the House.

Sirs: We, your Conference Committee, upon the part of the Senate and upon the part of the House, heretofore appointed to adjust the differences between the Senate and the House on

S. B. No. 57, A bill to be entitled "An Act to amend Article 1839, Chapter 3, Title 39, of the Revised Civil Statutes as amended by the Acts of the Regular Session of the Forty-second Legislature of the State of Texas, so as to fix the time for filing the transcript in the Court of Civil Appeals and providing for an extension of such time for cause shown and declaring an emergency."

Beg leave to report that we have adjusted the differences between the two Houses and have agreed as follows:

1. That the House amendment to said Senate Bill No. 57, which is in fact a substitute for said Senate Bill No. 57, be adopted with the following additional matter inserted after the word "time" in line 10 of the House amendment, to-wit: "not exceeding fifteen days."

2. We recommend that said Senate Bill No. 57, as amended by the

House with the additional language hereinabove recommended, do pass.

WOODWARD,
MURPHY,
COLLIE,
FELLBAUM,
SMALL,

Upon the part of the Senate.

HUGHES,
HANKAMER,
McDOUGALD,
HAAG,
VAN ZANDT,

Upon the part of the House.

Read and adopted by the following vote:

Yeas—31.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Recess.

Senator Holbrook moved to recess until 2 o'clock p. m.

Senator Woodruff asked unanimous consent to introduce the following bill:

By Senators Woodruff and Woodward:

S. B. No. —, A bill to be entitled "An Act amending Article 1839 of the Revised Civil Statutes of Texas (as amended by the Acts of 1931, Forty-second Legislature, page 100, chapter 66, Sec. 1) by adding a new article to be known as Article 1839-a, so as to provide that in all cases of appeal or application for a writ of error in quo warranto suits involving the right or title to public office the transcript must be filed by the appellant, or plaintiff in error, with the clerk of the Court of Civil Appeals within ten days from the date of the final judgment or overruling of motion for new trial; and to provide that in all quo warranto cases involving the right or title to

public office which have been heretofore tried and in which final judgment has been rendered by any district court of the State, the appellant, or plaintiff in error, must file a transcript of proceedings with the clerk of the Court of Civil Appeals within ten days from the final passage of this Act; and declaring an emergency."

Objection was heard.

Senator Woodruff moved that the rule be suspended and he be permitted to introduce the bill.

Senator Greer renewed the motion to recess until 2 o'clock p. m. The motion prevailed and at 12:23 o'clock p. m., the Senate recessed.

After Recess.

The Senate met at 2 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

Motion to Introduce Bill.

The question recurred upon the motion to suspend the rule and permit the introduction of a bill by Senator Woodruff.

The motion was lost by the following vote:

Yeas—12.

Beck.	Oneal.
Collie.	Rawlings.
DeBerry.	Regan.
Holbrook.	Woodruff.
Moore.	Woodul.
Murphy.	Woodward.

Nays—12.

Blackert.	Patton.
Fellbaum.	Poage.
Hornsby.	Redditt.
Martin.	Russek.
Pace.	Sanderford.
Parr.	Stone.

Absent.

Cousins.	Neal.
Duggan.	Purl.
Greer.	Small.
Hopkins.	

(Four-fifth vote required.)

Point of Personal Privilege.

Senator Woodruff addressed the Senate on a point of personal privilege.

Ruling on Introduction of Bills.

Senator Moore asked unanimous consent to introduce a bill.

Senator Poage inquired of the Chair whether, in case unanimous consent were asked while other business was pending and objection was heard, the Senator would be entitled to move to suspend the rule and introduce the bill.

The Chair, Lieutenant Governor Edgar E. Witt, held that under such circumstances the motion to suspend the rule would be out of order.

Unanimous consent was granted and Senator Moore introduced the bill, S. B. No. 511.

Senate Bill No. 300.

The question recurred upon the pending amendment (by Senator Oneal) to S. B. No. 300.

The amendment was adopted.

Senator Oneal sent up the following amendment:

Amend Committee Substitute for S. B. No. 300 by striking out of lines 15 and 16, page 11, the following words and figures: "two hundred fifty dollars (\$250.00)," and inserting in lieu thereof the following: "three hundred dollars (\$300.00)."

ONEAL.

The amendment was read.

Senator DeBerry moved to table the amendment. The motion prevailed.

The bill was passed to engrossment.

On motion of Senator DeBerry, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 300 was put on its third reading and final passage by the following vote:

Yeas—31.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Read third time and finally passed by the following vote:

Yeas—31.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Senate Bill No. 98.

The Chair laid before the Senate on its second reading the following bill:

By Senator Holbrook:

S. B. No. 98, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employees of certain educational institutions and other expenses of maintaining and conducting them as follows, to-wit: The Agricultural and Mechanical College of Texas; The State Agricultural Experiment Station System; The Extension Service and Rodent Control Service; Texas Department of Forestry; North Texas Junior Agricultural College; John Tarleton Agricultural College; Prairie View State Normal and Industrial College; The University of Texas, including the Extra Murals Divisions and the Medical Branch at Galveston, and the College of Mines and Metallurgy at El Paso; College of Industrial Arts; Texas Technological College; East Texas State Teachers College at Commerce; North Texas State Teachers College at Denton; Sam Houston State Teachers College at Huntsville; Stephen F. Austin State Teachers College at Nacogdoches; The Texas College of Arts and Industries at Kingsville; Southwest Texas State Teachers College at San Marcos; Sul Ross State Teachers College at Alpine; West Texas State Teachers College at Canyon; for the two year period beginning September 1, 1933, and ending August 31, 1935, and declaring an emergency."

Senator Moore raised the point of order that the next order of business was S. B. No. 299 set as special order.

The Chair, Senator Woodruff, overruled the point of order under Joint Rule VIII, page 490k.

Senator Moore raised the point of order that the rule had not been followed by the Senate.

The Chair, Senator Woodruff, stated that he was not advised concerning the practice of the Senate in this connection and overruled the point of order.

S. B. No. 98 was read second time.

The committee substitute was adopted.

Senator Holbrook sent up the following amendments:

Amendment No. 1.

Amend Committee Substitute to S. B. No. 98, by striking out line 46, page 6, and inserting, in lieu thereof, the following:

(7) Provided further that no portion of the funds appropriated in Section 2 of this Act.

HOLBROOK.

Read and adopted.

Amendment No. 2.

Amend Committee Substitute for S. B. No. 98, by inserting after line 44, on page 2, the following:

Emergency fund for use in administration and supervision of Federal Forestry Program, Texas, \$10,000.00 each year.

HOLBROOK.

Read and adopted.

Senator Moore sent up the following amendment:

Amend S. B. No. 98 by adding thereto the following:

It shall be unlawful for any officer, employee, member or members of any board of regents, board of managers, president, dean, or other officer, agent or employee of any State educational institution, executive, chief, agent, representative, or employee to increase the salary, pay, compensation or other remuneration whether on daily, weekly, monthly or other basis, of any employee, officer, agent, representative, teacher, instructor, assistant, tutor, or other employee of any educational institution, in excess of the amount fixed

and/or specified in the appropriation bill or bills enacted by the Legislature in regular or special session, out of local, special, emergency, deficiency, and/or any other funds received by, bequeathed to and/or appropriated for the use and benefit of any institution, department, commission, board or bureau.

It shall be unlawful for any officer, employee, board of regents, board of managers of any State educational institution, to add to or increase the personnel of employees of any institution, department, board, bureau or commission in excess of the number fixed and/or specified in the legislative appropriation bills passed in regular or special session of the Legislature without first receiving the approval of a majority of a commission composed of the chief executive of the State, the chairman of the State Board of Control and the Comptroller of Public Accounts.

MOORE.

The amendment was read.

Senator Woodward sent up the following amendment to the amendment:

Amend the amendment by striking out the second paragraph.

WOODWARD.

Read and adopted.

Senator Holbrook moved to table the amendment as amended. The motion prevailed by the following vote:

Yeas—22.

Beck.	Pace.
Blackert.	Parr.
Duggan.	Patton.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.

Nays—7.

Collie.	Poage.
DeBerry.	Purl.
Moore.	Woodward.
Oneal.	

Absent.

Cousins.	Rawlings.
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Senator Moore sent up the following amendment:

Amend S. B. No. 98 by striking out subsection 3, page 6, and insert in lieu thereof the following:

(3) Provided, that before any of the funds herein appropriated shall become available, each institution herein provided for shall file with the Board of Control an itemized budget of how and to whom the funds are to be paid, and no salary or other amount shown in the itemized budget above referred to shall be increased above those shown in the budget filed with the Board of Control.

MOORE.

The amendment was read.

Senator Holbrook moved to table the amendment. The motion prevailed by the following vote:

Yeas—19.

Beck.	Parr.
Blackert.	Patton.
Cousins.	Redditt.
Duggan.	Russek.
Fellbaum.	Sanderford.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Woodruff.
Neal.	Woodul.
Pace.	

Nays—11.

Collie.	Poage.
DeBerry.	Purl.
Martin.	Rawlings.
Moore.	Regan.
Murphy.	Woodward.
Oneal.	

Absent.

Greer.

Senator Purl sent up the following amendment:

Amend S. B. No. 98 by striking out subsection 4 of Section 3, page 6, of the printed bill.

PURL.

The amendment was read.

Senator Holbrook moved to table the amendment. The motion prevailed by the following vote:

Yeas—21.

Beck.	Holbrook.
Blackert.	Hornsby.
Cousins.	Martin.
Duggan.	Neal.
Fellbaum.	Pace.

Parr.	Small.
Patton.	Stone.
Redditt.	Woodruff.
Regan.	Woodul.
Russek.	Woodward.
Sanderford.	

Nays—8.

Collie.	Oneal.
DeBerry.	Poage.
Moore.	Purl.
Murphy.	Rawlings.

Absent.

Greer.	Hopkins.
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Senator Martin moved to reconsider the vote by which the amendment was tabled.

Message From the House.

Hall of the House of Representatives,
Austin, Texas, April 10, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate amendments to H. B. No. 435 by a vote of 106 yeas and 0 nays; and has adopted the Free Conference Committee Report on the following Senate Bills:

S. B. No. 57, by a vote of 106 yeas and 0 nays.

S. B. No. 248, by a vote of 73 yeas and 35 nays.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Special Order Set.

Senator Stone moved to set S. B. Nos. 312 and 331 as special order immediately following the special orders now pending. The motion prevailed by the following vote:

Yeas—27.

Beck.	Parr.
Blackert.	Patton.
Collie.	Purl.
Cousins.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Pace.	

Nays—2.

Duggan.	Poage.
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Present—Not Voting.

DeBerry.	Oneal.
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Motion to Introduce Bill.

Senator Hornsby asked unanimous consent to introduce a bill.

Objection was heard.

Senator Hornsby moved to suspend the rule and introduce the bill. The motion prevailed by the following vote:

Yeas—27.

Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Nays—1.

Woodruff.

Present—Not Voting.

DeBerry.

Absent.

Beck.	Murphy.
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Senator Hornsby sent up the following bill:

By Senator Hornsby:

S. B. No. 512, A bill to be entitled "An Act prohibiting any person from manufacturing, selling, offering for sale, delivering for sale, consigning for sale or having in his possession with intent to sell any article of bedding not properly labeled, defining terms, prescribing penalty and declaring an emergency."

Read and referred to Committee on Criminal Jurisprudence.

Special Order Set.

On motion of Senator Parr, S. B. No. 246 was set as special order Thursday morning immediately following the morning call.

Conference Committee Appointed.

The Chair announced the appointment of the following Senate mem-

bers of the Free Conference committee on H. B. No. 167:

Beck, Redditt, Parr, Woodward, and Hopkins.

Adjournment.

Senator Woodward moved to adjourn until 10 o'clock tomorrow morning.

Senator Martin moved to recess until tomorrow at 10 o'clock.

The motion to adjourn prevailed and at 5:58 o'clock p. m., the Senate adjourned.

APPENDIX.

Petitions and Memorials.

We gratefully acknowledge with sincere thanks your kind expression of sympathy.

MRS. J. D. REDDITT AND FAMILY.

Committee on Enrolled Bills.

Committee Room,
Austin, Texas, April 7, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 428 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee Room,
Austin, Texas, April 7, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 113 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee Room,
Austin, Texas, April 7, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 52 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee Room,
Austin, Texas, April 7, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 78 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee Room.

Austin, Texas, April 7, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 95 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee Room.

Austin, Texas, April 7, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 21 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee Room.

Austin, Texas, April 7, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 12 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee on Engrossed Bills.

Committee Room.

Austin, Texas, April 7, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 209 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Room.

Austin, Texas, April 10, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 505 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Reports.

Committee Room.

Austin, Texas, April 4, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 167 (The departmental appropriation bill).

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it be not

printed and that it do pass, with committee amendments, which amendments comprise a substitute bill identical with S. B. No. 96, as finally passed by the Senate.

HOLBROOK, Chairman.

Committee Room,
Austin, Texas, April 7, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred

S. B. No. 505, A bill to be entitled "An Act authorizing the Banking Commissioner of Texas, as statutory receiver or liquidator, when any State bank or bank and trust company organized under the laws of the State of Texas, voluntarily places itself in his hands for liquidation, or when he closes a State bank or bank and trust company and takes charge of same for the purpose of liquidating it, to borrow money from the Reconstruction Finance Corporation as created by Act of Congress of the United States, and to pledge any part or all of the assets of such closed bank or bank and trust company as collateral security for said loan, and to execute all instruments required or necessary in connection with the creation of such indebtedness and the security for the same, and to authorize the Commissioner of Banking of Texas, as statutory receiver or liquidator, to renew and extend such loan or loans from time to time, and to execute all instruments in connection with the renewals or extensions of such loan or loans; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

RUSSEK, Chairman.

(Ordered printed in the Journal on motion of Senator Purl.)

By Senator Hopkins:

S. B. No. 505, A bill to be entitled "An Act authorizing the Banking Commissioner of Texas, as statutory receiver or liquidator, when any State bank or bank and trust company organized under the laws of the State of Texas, voluntarily places itself in his hands for liquidation, or when he closes a State bank or bank and trust company

and takes charge of same for the purpose of liquidating it, to borrow money from the Reconstruction Finance Corporation as created by Act of Congress of the United States, and to pledge any part or all of the assets of such closed bank or bank and trust company as collateral security for said loan, and to execute all instructions required or necessary in connection with the creation of such indebtedness and the security for the same, and to authorize the Commissioner of Banking of Texas, as statutory receiver or liquidator, to renew and extend such loan or loans from time to time, and to execute all instruments in connection with the renewals or extensions of such loan or loans, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas.

Section 1. That the Commissioner of Banking, as statutory receiver or liquidator, is hereby authorized and empowered, when any State bank or bank and trust company organized under the laws of the State of Texas voluntarily places itself in his hands for liquidation, or when he closes a State bank or bank and trust company and takes charge of same for the purpose of liquidating it, to borrow money from the Reconstruction Finance Corporation as created by Act of Congress of the United States, and he is further authorized and empowered to pledge as collateral security to such loan or loans any part or all of the assets of such closed bank or bank and trust company, and to execute in connection with said loan or loans, and the pledging of said assets, all notes, collateral security agreements, and other instruments necessary, and said Commissioner of Banking of Texas, as statutory receiver or liquidator, is further authorized and empowered to execute such renewals and extensions of said loan or loans from time to time as may be necessary and to execute in connection with said renewals and extensions all necessary instruments.

Sec. 2. The fact that the Commissioner of Banking of Texas, as statutory receiver or liquidator, has no authority at present to borrow money from the Reconstruction Fi-

nance Corporation as created by Act of Congress of the United States, and to pledge the assets of closed State banks or banks and trust companies as collateral for said loan or loans, while such rights exist with reference to closed national banks, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, April 10, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage to whom was referred

S. B. No. 500, A bill to be entitled "An Act amending Article 8183, and Article 8184, Chapter 7, Title 128, Revised Civil Statutes of 1925, providing for the dissolution of drainage districts, water improvement districts, and all other reclamation districts created for the conservation, reclamation and protection of the natural resources of the State of Texas, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

COUSINS, Chairman.

Committee Room,
Austin, Texas, April 10, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Departments and Institutions, to whom was referred

S. B. No. 491, A bill to be entitled "An Act authorizing the State Board of Control to compile and promulgate standard specifications for all State supplies; providing that the State Board of Control shall be authorized to make purchases based on such standards; providing that the State Board of Control shall request from the University of Texas, A. and M. College, Texas Technological College, and any other school or State and/or Federal agency, assistance in compiling and promulgating standard specifications and declaring an emergency."

Have had the same under con-

sideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PURL, Chairman.

Committee Room,
Austin, Texas, April 10, 1933.
Hon. Edgar E. Witt, President of the Senate:

Sir: We, your Committee on Contingent Expense, to whom was referred S. R. No. 81.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

WOODRUFF, Chairman.

Senate Simple Resolution No. 81.

Whereas, The report of the State Auditor on the Available School Fund contains much valuable information for the Legislature, and the supply of printed copies has been exhausted; now therefore be it

Resolved, That the Chairman of the Contingent Expense Committee be authorized to have 1000 extra copies printed to be paid out of the Contingent Expense Fund.

PURL.

Committee Room,
Austin, Texas, April 10, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 504 (An Act to prevent fraud and deception in the sale and offering for sale of rebuilt electric storage batteries and prescribing penalties for the violation thereof).

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SMALL, Chairman.

Committee Room,
Austin, Texas, April 10, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 496, A bill to be entitled "An Act to prohibit the use of explosives for the purpose of doing harm or injury to either persons or property; and prescribing a penalty."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SMALL, Chairman.

Committee Room,

Austin, Texas, April 10, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 493 (An Act to repeal Article 587 of the Penal Code, Acts 1909, page 289, Acts 1921, page 152).

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SMALL, Chairman.

Committee Room,

Austin, Texas, April 10, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 190. A bill to be entitled "An Act vesting full power and authority in the State Board of Education of all matters pertaining to the State scholastic census; creating the office of Director of State Scholastic Census, providing for an assistant, and for employees necessary in the functioning of the office created, providing for application of the law to districts having a scholastic population of 150, or more; prescribing the qualifications of the officers and the salary, providing the manner of the selection of the Director, and others, making provision for the salaries and all incidental expenses of the department, providing for an emergency fund, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

NEAL, Chairman.

Committee Room,

Austin, Texas, April 10, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 473, A bill to be entitled

"An Act providing that the wife of any husband who shall wilfully desert, neglect, or refuse to provide for her support and maintenance when she is in necessitous circumstances, or that the child of any parent who shall wilfully desert, neglect, or refuse to provide for the support and maintenance of his or her child or children, under the age of sixteen years, shall have the right, by filing an affidavit of such fact, to have the offending party brought before the district judge of the county in which such aggrieved person may reside, and show cause why adequate support should not be furnished by said husband or parent, and providing that said district judge or district court may make proper provision for the support of such aggrieved person or persons, and that said orders may be enforced as in contempt proceedings; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the committee substitute hereto attached do pass in lieu thereof and be printed.

SMALL, Chairman.

By Rawlings. C. S. S. B. No. 473.

A BILL

To Be Entitled

An Act creating a cause of legal action against a man for support of his wife or minor child; defining the same; giving remedies; providing a jurisdiction and procedure; declaring the remedies here given to be cumulative of others; repealing all laws in conflict therewith, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. If a husband refuses or wilfully neglects to support his wife, or if a father refuses or wilfully neglects to support his minor child in this State, in a manner and to an extent suited to their circumstances and needs and in accordance with his reasonable ability to furnish such support, such neglected wife or minor child, as the case may be, shall have, as against such person, a cause of legal action to enforce such duty of support.

Such wife may, in her own name,

and such minor child may, in the name of a next friend, institute and maintain such a suit in the district court of any county where such husband or father may reside, or in which he may be found, or in which the plaintiff wife may reside, or in which the plaintiff child may at the time be; and such suit may be heard and determined in accordance with the ordinary rules of procedure in civil cases, except that no bond or other security for costs shall ever be required of the plaintiff. Either party to such suit shall have the right to appeal from the final judgment to the Court of Civil Appeals, whose judgment shall be final.

In any such suit, the plaintiff may recover such sum or sums of money to be paid at such time or times as to the court or jury may appear to be reasonable and proper under all the circumstances, considering the present needs of the plaintiff and the probable future needs of the plaintiff for a period of time not to exceed twelve (12) months from the date of the judgment, but in no event shall such a judgment in favor of a child extend beyond such child's legal minority.

The right to institute and maintain successive suits in the manner herein provided shall exist in favor of the wife and in favor of the child during his or her legal minority.

Any such judgment, as herein provided for, when abstracted and registered, as judgments are to be abstracted and registered, shall constitute a lien upon all property, whether real, personal or mixed, owned or thereafter acquired by the one so charged, situated in such county, which lien may be foreclosed in any court of competent jurisdiction at any time in favor of the wife, and at any time in favor of the minor child during the legal minority of the child benefited by such judgment, and such judgment may also be enforced by contempt proceedings against the defaulting husband or parent, as the case may be, under the penalty of imprisonment until such contempt is purged.

Any such judgment may, before a satisfaction, be changed or modified by the court rendering such judgment, upon the application of either party thereto, after reasonable notice to the party to be affected, according to the equities arising out

of any changed condition of a party, or the parties, thereto.

The remedies herein given shall not be exclusive, but the same are cumulative of all other remedies provided by law to compel a man to support his wife or minor child.

Sec. 2. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 3. If any section, paragraph, part, sentence, or word of this Act should be held to be unconstitutional, then it is declared to be the legislative intention that the remaining portion of the Act shall not be affected thereby, but that the same would have been enacted without the presence of the portion thereof held to be unconstitutional.

Sec. 4. That it is not the legislative intention to create, as against the defaulting husband or father, a debt or legal liability, but it is the intention to create a legal remedy for the enforcement of an existing natural and social duty of the husband and father.

Sec. 5. The fact that there is now no adequate law affording to neglected wives and dependent, neglected children a legal remedy to enforce the natural and social duty of the husband and father to support the wife and minor child, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and this Act shall take effect from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, April 10, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Labor, to whom was referred

S. B. No. 174, A bill to be entitled "An Act to amend Sections 1, 3, 4, 5, 5-a, 8 and 10, of Article 8307 (Part II) of the Revised Civil Statutes of Texas of 1925; and further amending Section 1 by adding thereto Sections 1-a and 1-b; and further amending Section 4 by adding thereto Section 4-b; and further amending Article 8307 by adding thereto certain new sections immediately following Section 12 of said Article, to be known as Sections 13, 14, 15, 16, 17, 18, and 19; and amending Articles 8306, 8307, 8308 and 8309 of the Revised Civil Statutes of Texas of 1925 by substituting

for the words 'Board' and 'Industrial Accident Board' the words 'Commission' and 'Industrial Accident Commission;' providing that the Industrial Accident Board as created under the provisions of Article 8307 of the Revised Civil Statutes of Texas of 1925, shall hereafter be known as the Industrial Accident Commission and providing that said Commission shall consist of three members, and providing for their term of office, and providing that the present members of the Industrial Accident Board or Commission shall continue in office as members of the new Industrial Accident Commission until the expiration of their respective terms of appointment, and providing for the appointment of three deputy commissioners, their terms of office and their duties; and providing that the importance of the Act creates an emergency, demands the suspension of the constitutional rule requiring bills to be read on three several days in each House, and that this Act shall be in force and effect from and after its passage."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass but that the committee substitute in lieu thereof do pass and be printed.

PURL, Chairman.

C. S. S. B. No. 174.

A BILL

To Be Entitled

An Act to amend Sections 1, 3, 4, 5, 5-a, 8 and 10, of Article 8307 (Part II) of the Revised Civil Statutes of Texas of 1925; and further amending Section 1 by adding thereto Sections 1-a and 1-b; and further amending Section 4 by adding thereto Section 4-b; and further amending Article 8307 by adding thereto certain new sections immediately following Section 12 of said Article to be known as Sections 13, 14, 15, 16, 17, 18 and 19; and amending Articles 8306, 8307, 8308, and 8309 of the Revised Civil Statutes of Texas of 1925 by substituting for the words "Board" and "Industrial Accident Board" the words "Commission" and "Industrial Accident Commission;" and providing that the Industrial Accident Board as created under

the provisions of Article 8307 of the Revised Civil Statutes of Texas of 1925, shall hereafter be known as the Industrial Accident Commission and providing that said Commission shall consist of three members, and providing for their terms of office, and providing that the present members of the Industrial Accident Board or Commission shall continue in office as members of the new Industrial Accident Commission until the expiration of their respective terms of appointment, and providing for the appointment of three deputy commissioners, their terms of office and their duties, and providing that each member of the Commission and each deputy commissioner shall devote all of his time to the duties of his office; and providing that the Commission, any Commissioner or deputy commissioner or person deputized, shall have the power to hold hearings, take testimony, subpoena witnesses, compel attendance of witnesses, issue process, administer oaths, cause to have administered oaths, punish for contempt, make investigations, inquire into matters of fact, take depositions, employ or use inspectors and adjusters, examine and cause to be examined, books, records, memoranda, documents, letters, contracts and other papers in relation to the matter at issue, and the same powers as are vested in magistrates and notaries taking depositions; and providing for the service of process, taxing of costs, and payment of witness fees, and providing that the Commission may open and maintain an office in the cities of Fort Worth, Houston and Sweetwater, with a deputy commissioner in charge of each of such offices; and providing for the salaries of the members of the Commission and for the deputy commissioners, and providing that the Commission may appoint a secretary, and fixing the salary of said secretary, and that the Commission may also appoint such other help as may be deemed necessary, and providing for the payment of the expenses incurred by the Commission and its help, and providing that suitable offices shall be

furnished to the Commission in the Capitol at Austin, where the permanent records of the Commission shall be kept; and providing that the Commission may make rules, not inconsistent with this law, for the carrying out and enforcing of the provisions of said law, and the orders of said Commission; and providing that the Commission, any member thereof or any deputy commissioner may require any employee claiming to have been injured to submit himself for examination before said Commission, any member thereof or any deputy commissioner or anyone else acting under the authority of said Commission; and providing that the refusal of such an employee, claiming an injury, to submit to such examination, may deprive him of his rights to compensation during the continuance of such refusal; and providing that if any injured employee shall persist in unsanitary or injurious practices which tend to either imperil or retard his recovery, the Commission may, in its discretion, order and direct the Association to reduce or suspend all compensation of any such injured employee, but that no such compensation shall be reduced or suspended without reasonable notice to the employee and an opportunity to be heard; and providing that the Association shall have the right to have any injured employee examined by a physician of its own selection, at reasonable times, but provided also that the injured employee shall have the privilege to have his own physician present to participate in such examination; and providing that process and procedure under this law shall be as simple and summary as reasonably may be; and providing that all questions arising under this law unless settled by agreement of the parties interested therein, shall, except otherwise provided, be heard by the Commission, any member thereof or any deputy commissioner, in a summary proceeding, and, thereafter, after such hearing, an award regarding the questions and matters in dispute shall be made by the Commission; and providing that the evidence introduced at such hearings shall be reported

by competent stenographers appointed by the Commission, and that record shall be made of the award, and that said award, together with a statement of the findings of fact and conclusions of law shall be filed as a part of the record of the claim in the office of the Commission, and that copy of awards shall be sent immediately by registered mail to the claimant or his attorney and to the Association; and providing for an appeal from the award of the Commission; and providing that where no appeal is taken, the award shall become final; and providing that failure by the Association, within ten days after demand therefor, to pay compensation which has been duly awarded by the Commission, any member thereof or any deputy commissioner shall, upon the order of any court of competent jurisdiction, have the entire award matured, together with twelve per cent thereof as damages and also a reasonable attorney's fee incurred by the injured party in filing said suit and having the award matured; and providing that a majority of the Commission shall constitute a quorum for the transaction of business; and providing that the Commission shall provide itself with a seal to properly attest its orders, and that when its orders are so attested and sealed, they shall be admissible as evidence in any court in this State; and providing that the final award of the Commission shall be conclusive and binding upon all parties thereto unless one of the parties to the same shall, within thirty days from the date of such final award, appeal to the Court of Civil Appeals which has jurisdiction of the county in which the accident occurred, or, if the accident occurred outside of the State, then of the county where the contract of employment was made, and providing the manner and method of such appeal to the Court of Civil Appeals; and providing for the payment of penalty and attorney's fees, if the Association appeal for delay; and providing that the Commission have power to bar persons guilty of fraudulent or unethical conduct from prac-

ting before the Commission or any of its members or deputies; and providing that the Commission and each of its appointees and employees shall be reimbursed their actual expenses out of the State Treasury from the fund provided for the support of the Commission; and providing for the furnishing of certified copies of awards and other papers upon payment therefor; and providing for the taxing and collection of costs and fees; and providing for the taking of oaths of office by each Commissioner or deputy commissioner, and providing that no member of the Commission, deputy commissioner or employee shall serve upon any committee of any political party; and providing that the Attorney General shall be the legal advisor of the Commission; and providing that vested rights, remedies, powers, duties and authorities shall not be affected by this law, but that the provisions of this law shall affect, govern and control all such rights, remedies, powers, duties and authorities which shall arise after this law becomes effective, and that this law, as long as the same is effective or operative shall suspend the provisions of Article 8307 as written prior to the passage of this law; and providing that this law shall become effective on the 1st day of September, A. D., 1933, and shall remain effective thereafter.

Be it enacted by the Legislature of the State of Texas:

Section A. That Sections 1, 3, 4, 5, 5a, 8 and 10 of Article 8307 (Part II) of the Revised Civil Statutes of Texas, of 1925, shall be and the same are hereby amended so as to hereafter read as follows:

Part II.

Article 8307. Section 1. The Industrial Accident Board as created and existing under the provisions of Article 8307, Revised Statutes, 1925, shall hereafter be known as the Industrial Accident Commission. Said Commission shall consist of three members, one to be biennially appointed by the Governor for a term of six years and until his successor has been appointed and qualified. The present members of the Industrial Accident Board shall continue

in office as members of the Industrial Accident Commission until the expiration of their respective terms of appointment. The Commission shall have authority to appoint three deputy commissioners who shall serve under its direction. Said commissioners shall be appointed by the Governor with the advice and consent of the Senate. Each member of said Commission and each deputy commissioner shall devote his entire time to the duties of his office and shall not hold any position of trust or profit, or engage in any occupation or business interfering or inconsistent with the duties of his office.

Sec. 3. The salary of the chairman of the Industrial Accident Commission shall be \$5,000.00 per year, and the salary of each of the other members shall be \$4,500.00 per year, and the salary of each of the deputy commissioners shall be \$3,600.00 per year payable in the same manner as the salaries of other State officers are paid. The Commission may appoint a secretary at a salary of not more than \$3,000.00 a year and may appoint such other clerical or other assistants as may be necessary to properly administer this Act, and may fix the compensation of all persons so employed. It shall be allowed a reasonable sum, the amount to be determined by the Legislature, for clerical and other services, office equipment, traveling expenses and all other expenses necessary. The Commission shall be provided suitable offices in the Capitol where its permanent records shall be kept.

Sec. 4. The Commission may make rules not inconsistent with this law for carrying out and enforcing its provisions and the Commission or any member or deputy commissioner may require any employee claiming to have sustained injury to submit himself for examination before such Commission, member or deputy commissioner, or someone acting under its authority at some reasonable time and place within the State and as often as may reasonably be so ordered to a physician or physicians authorized to practice under the laws of this State. Upon request the employee and the Association shall be entitled to have a physician or physicians of his or its selection present to participate in such examination. Refusal of the employee to submit to such examina-

tion may deprive him of his right to compensation during the continuance of such refusal. When a right to compensation is thus suspended, no compensation shall be paid in respect to the period of suspension. If any employee shall persist in unsanitary or injurious practices which tend to either imperil or retard his recovery, or shall refuse to submit to such medical or surgical treatment, as is reasonably essential to promote his recovery, the Commission may in its discretion, order the Association to reduce or suspend the compensation of any such injured employee. No compensation shall be reduced or suspended under the terms of this section without reasonable notice to the employee and an opportunity to be heard.

When authorized by the Commission, the Association shall have the privilege of having any injured employee examined by a physician or physicians of its own selection, at reasonable times, at a place or places suitable to the condition of the injured employee and convenient and accessible to him. The Association shall pay for such examination and the reasonable expense incident to the injured employee in submitting thereto. The injured employee shall have the privilege to have a physician of his own selection present to participate in such examination. Provided, when such examination is directed by the Commission at the request of the Association, the Association shall pay the fee of the physician selected by the employee, such fee to be fixed by the Commission.

Process and procedure under this law shall be as summary and simple as reasonably may be. The Commission or any commissioner or deputy commissioner or any person deputized by it, shall have the power for the purposes of this law, and within the powers conferred, to hold hearings, take testimony, subpoena witnesses, compel the attendance of witnesses, issue process, administer oaths, cause to have administered oaths, punish for contempt, make investigations, inquire into matters of fact, take depositions, employ or use the assistance of any inspector or adjuster for the purpose of adjusting and settling claims for compensation or developing the facts relating to any claims for com-

pensation, and for the purpose of making awards, and examine and cause to be examined such parts of books, records, memoranda, documents, letters, contracts, and other papers in relation to the matter at issue, of the interested parties as they may find proper, and shall have the same powers in reference thereto as are vested in magistrates and notaries taking depositions. Any party to a proceeding under this law may upon application to the Commission, or any commissioner or deputy commissioner, take depositions as now provided by law in civil cases, except that they shall be directed to the Commission; the costs to be taxed as other costs under this law. Any officer empowered to serve process in civil actions shall serve all process authorized and required by this law, and shall receive the same fees as are now provided by law in civil actions; each witness who appears in obedience to a subpoena shall receive for attendance the fees and mileage for witnesses in civil cases in district courts, provided such witness reside within the county where the claim is heard or be found therein at the time same is heard; provided, not more than two witnesses to any material fact shall receive witness fees.

Sec. 5. All questions arising under this law, if not settled by agreement of the parties interested therein, shall, except as otherwise provided, be heard by the Commission, any of its members or any deputy commissioner in a summary proceeding, and, thereafter, after hearing testimony as provided by this law, an award regarding the questions and matters in dispute shall be made.

All evidence introduced at such hearing shall be reported by a competent stenographer appointed by the Commission. The award together with a statement of the findings of fact and conclusions of law shall be filed as a part of the record of the claim in the office of the Commission, and a copy of the award shall immediately be sent by registered mail to the claimant or his attorney and to the association. Appeals may be had from such awards as hereinafter in this law provided. When an award has been made by the Commission, either party thereto may, within twenty days after the receipt of the award as herein pro-

vided, make application in writing for a review, setting forth the grounds therefor. If no such application is filed, the award made by the Commission shall become final, except as otherwise provided. The Commission shall forthwith consider such application after notice to all parties, and then shall make a final award on said claim. In such a case the record and evidence already obtained may be considered without re-introduction, together with such other evidence as is introduced.

All proceedings before the Commission or any Commissioner, or deputy commissioner shall be simple, informal and summary. Except as herein otherwise provided all such proceedings shall be according to such rules and regulations as may be adopted by the Commission.

Sec. 5a. In all cases of final award against the Association, if the Association shall fail or refuse to appeal therefrom as provided in this law, then in that event, the claimant in addition to the rights and remedies given him, and the Commission, in this law, may make written demand upon the Association for said compensation, and if within ten days after such demand the Association fails or refuses to pay said compensation as awarded, he may bring suit where the injury occurred upon said award. If he secured a judgment sustaining such award in whole or in part, he shall be entitled to recover the further sum of twelve per cent as damages upon the amount of compensation so recovered in said judgment, together with a reasonable attorney's fee for the prosecution and collection of such claim. Where the Commission has made an award against the association, requiring the payment to an injured employee or his beneficiaries of any weekly or monthly payments under the terms of this law, and such Association should thereafter fail or refuse without justifiable cause to continue to make said payments promptly as they mature, the claimant or beneficiaries may make written demand upon the Association for the compensation payable under said award, and should the Association fail or refuse within ten days after such written demand to continue to make said payments promptly as they mature, then the said injured employee or the beneficiaries, in the

case of his death, shall have the right to mature the entire claim and to institute suit thereon to collect the full amount thereof together with 12% penalties and attorney's fees as herein provided for. Suit may be brought under the provisions of this section either in the county where the accident occurred or in any county where the claimant resides or where one or more of such claimants may have his place of residence at the time of the institution of the suit.

A voucher, draft or check for the amount of compensation payable to the claimant shall be sufficient tender, if the association has on deposit with the bank on which said voucher, draft or check is drawn a sufficient amount to pay such voucher, draft or check; unless the employee makes demand in writing for legal tender.

Sec. 8. A majority of the Commission shall constitute a quorum to transact business, and the act or decision of any two members thereof shall be held to be the act or decision of the Commission except as otherwise herein specifically provided. No vacancy shall impair the right of the remaining members of the Commission to exercise all the powers of the Commission. The Commission shall provide itself with a seal on which shall be inscribed the words "Industrial Accident Commission, State of Texas." Any order, award or proceeding of said Commission, when duly attested and sealed by the Commission or its secretary, or by any commissioner shall be admissible as evidence or the act of the Commission in any court in this State.

Sec. 10. Said Commission shall have the power to make awards within its powers herein conferred, and to bar persons guilty of fraudulent or unethical conduct relating to any of the provisions of the Workmen's Compensation Insurance Law of Texas, from practicing before the Commission or any of its members or deputies.

Sec. B. Immediately following Section 1, of Article 8307, of the Revised Civil Statutes of Texas of 1925, there shall be added two new sections, to be known as Section 1a and 1b, which shall read as follows:

Sec. 1a. The deputy commissioners shall hear all claims that may be referred to them from time to time by the Commission and shall

hold hearings on claims at such times and places as may be designated by the Commission, and shall perform generally such other duties in connection with the administration of this Act as may be delegated to and imposed on them by the Commission.

Sec. 1b. The Commission may open and maintain offices in Fort Worth, Houston and Sweetwater, each to be in charge of a deputy commissioner. Provided, however, the Commission may within its discretion change such offices from the above named cities to others in the State. The jurisdiction of the Commission, its members and the deputy commissioners shall be co-extensive with the limits of the State.

Section C. Immediately following Section 4a of Article 8307, of the Revised Civil Statutes of Texas of 1925, there shall be added a new section to be known as Section 4b, which shall read as follows:

Sec. 4b. Said Commission, or any member or deputy commissioner may hold hearings or take testimony or make investigations at any point within this State, reporting the result thereof, if the same is made by one member, or by a deputy commissioner, to the Commission.

Sec. D. That Article 8307, of the Revised Civil Statutes of Texas of 1925, shall be, and is hereby amended by adding thereto immediately following Section 12 thereof those certain new sections to be known as Sections 13, 14, 15, 16, 17, 18 and 19, reading as follows:

Sec. 13. The final award of the Commission shall be conclusive and binding upon all parties thereto unless either party to same shall within thirty days from the date of said final award appeal to the Court of Civil Appeals which has jurisdiction of the county in which the accident occurred, or, if the accident occurred outside of this State, then of the county where the contract of employment was made. The party taking an appeal shall be called the appellant and the adverse party the appellee and the case shall be docketed as in other appeals. Said appeal may be taken at any time within thirty days after the making of said final award by giving notice of appeal in writing to be signed by the party appealing or by his attorney and filed with the secretary of said

Commission, and upon the filing of such notice of appeal the secretary of the Industrial Accident Commission shall note upon the record book of awards the fact of the filing of such notice of appeal and the date of its filing, and shall give immediate notice of such filing to the adverse party by registered mail.

The manner and method of appealing from a final award of the Commission shall be governed by the statutes and court rules relating to appeals from county and district courts as in civil cases, except that for the purpose of the appeal the secretary of said Commission shall perform all the duties required of the clerk of a district court and that any member of said Commission shall perform for the Commission all the duties required of the judges of county and district courts and that no motion for a new hearing shall be necessary, and the party appealing shall file with the secretary of said Commission his assignments of error setting forth all the errors upon which the appeal is predicated and within time to be incorporated in the transcript. Provided, that in every case appealed by the Association a bond shall be required in accordance with the provisions of Articles 2270 and 2272, Revised Civil Statutes of 1925. The transcript of the record of the cause shall contain a full and correct copy of the report of accident, notice of injury, claim for compensation, final award, notice of appeal, findings of fact, assignment of error, appeal bond and a certified bill of costs. The statement of facts shall be in the form required of statements of facts in civil cases appealed from district courts, and it and the transcript are to be filed within the time provided by law on appeals from the district courts. The Court of Civil Appeals, on appeal, may for error, reform, reverse and remand for rehearing, or reverse and render said final award of said Commission upon any of the following grounds and no other:

(1) That the Commission acted without authority or in excess of its powers.

(2) That the award was procured by fraud.

(3) That the facts found by the Commission do not support the award.

(4) That there was not sufficient competent evidence adduced to warrant the making of said award.

(5) That the award is contrary to law.

(6) That there has been a plain abuse of discretion.

Writs of error to the Supreme Court may be granted as in civil cases and in all appeals the costs of appeals shall be adjudged as in civil cases. When the award has been reversed and remanded by the Court of Civil Appeals or Supreme Court, all evidence theretofore submitted may be considered without the necessity of reintroduction, unless otherwise specifically provided by the judgment of the court remanding. When an award against the Association has been affirmed and the appellate court shall find that the appeal has been taken for delay, and that there was no sufficient cause for taking such appeal, the Association shall pay claimant a reasonable attorney's fee in addition to the damages provided in Article 1860, Revised Civil Statutes of 1925.

Sec. 14. The Commission and each of its appointees, and employees shall have reimbursed to them their actual traveling expenses and disbursements in the discharge of their duties while away from their regular offices and places of residence, but the same shall not be paid until verified by the affidavit of the person who incurred them and approved by the Commission. All salaries, expense and costs under this Act shall be paid out of the State Treasury from the fund for the support of the Industrial Accident Commission.

Sec. 15. Upon the written request and payment of the fees therefor, which fees shall be the same as those charged for similar services in the Secretary of State's office, the Commission shall furnish to any person entitled thereto, a certified copy of any order, award, decision or paper on file in the office of the Commission and the fees so received for such copies together with fees for transcripts and statements of facts, and all other fees and costs collected by the Commission, shall be paid into the State Treasury and credited to the general revenue fund. No fee or salary shall be paid to any person in said Department for making such copies in excess of the fees charged for such copies.

Sec. 16. Each commissioner and deputy commissioner shall, before entering upon his duties, take and subscribe to an oath or affirmation to support the Constitution of the United States, and of this State, and to faithfully and honestly discharge the duties of such office or employment. Each commissioner and deputy commissioner and each person appointed to office by the Commission shall give his whole time to his duties, nor shall he serve on any committee of any political party.

It shall be the duty of the Attorney General to furnish the Commission with such legal services as it may require, and to appear on its behalf in all actions or proceedings to which it may be a party.

Sec. 17. The words "Industrial Accident Commission" or "Commission," shall be deemed to be substituted for the words "Industrial Accident Board" or "Board" wherever used in Articles 8306, 8307, 8308, and 8309 of the Revised Civil Statutes of 1925 of the State of Texas.

Sec. 18. No inchoate, vested, matured, existing or other rights, remedies, powers, duties or authority, either of any employee or legal beneficiary, or of the Industrial Accident Board, or of the Association, or of any other person shall be in any way affected by any of the amendments herein made to the original law hereby amended, but all such rights, remedies, powers, duties and authority shall remain and be in force as under the original law just as if the amendments hereby adopted had never been made, and to that end it is hereby declared that said original law is not repealed, but the same is, and shall remain, in full force and effect as to all such rights, remedies, powers, duties and authority; but as to all such rights, remedies, powers, duties which shall arise after Article 8307, as amended herein, becomes effective, the sections of Article 8307, as enacted prior to their amendment herein are suspended as long as said Article 8307, as amended, herein remains effective and operative; and further this law in so far as it adopts the law of which it is an amendment is a continuation thereof, and only in other respects a new enactment.

Sec 19. The provisions of this law shall become effective on the first day of September, A. D., 1933, and shall remain effective thereafter.

FIFTY-EIGHTH DAY.

Senate Chamber,
Austin, Texas.
April 11, 1933

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Prayer by Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Message From the Governor.

Executive Department,
Austin, Texas, April 11, 1933
To the Texas State Senate:

I request permission from the Senate to withdraw the nominations for membership on the State Board of Accountancy submitted to you in my message under date of March 29, 1933, as follows:

Hon. Frank L. Wilcox, Waco, McLennan County.

Hon. S. J. von Koenneritz, Austin, Travis County.

Hon. Robert F. Roberts, Beaumont, Jefferson County.

Hon. W. T. Chumney, San Antonio, Bexar County.

Hon. Victor Edward Buron, Texarkana, Bowie County.

In my said message, I submitted the name of Dr. J. E. Ulmer to be a member of the Board of Regents for State Teachers Colleges, an error being made in Dr. Ulmer's initials. I ask the advice and consent and confirmation by the Senate of the appointment of Dr. J. G. Ulmer to be a member of the Board of Regents for State Teachers Colleges.

Respectfully,

MIRIAM A. FERGUSON,
Governor of Texas.

Read and referred to the Committee on Governor's Nominations.

Bills Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 57 S. B. No. 505
S. B. No. 248

Message From the House.

Hall of the House of Representatives,
Austin, Texas, April 11, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 319, A bill to be entitled "An Act prohibiting the buyer of baled cotton deducting from the value thereof because of lightness of weight, and fixing a penalty thereof."

H. B. No. 504, A bill to be entitled "An Act requiring any firm, corporation, or individual, handling in any way for use, sale, or manufacture, any form of powdered milk or milk substitutes, to secure an annual license from the Commissioner of Agriculture; defining terms for the purposes of this Act, and making certain exceptions; making it unlawful to handle for use, manufacture, or sale, or shipment, any form of filled milk; providing a penalty; establishing a rule of construction; and declaring an emergency."

S. B. No. 505, A bill to be entitled "An Act authorizing the Banking Commissioner of Texas, as statutory